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WASHINGTON, D.C. 20554

**Elizabeth A. Yockus**  
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August 14, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

DOCKED FOR FILING

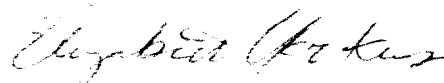
Re Public Employees for Environmental Responsibility (PEER) Request for Amendment of the Commission's Rules Concerning the Telecommunications Industry's Environmental Civil Violations in U.S. Territorial Waters; FCC Accountability and Responsibility for Environmental Transgressions and Petition for Rulemaking Regarding the NEPA and NHPA, RM-9913

Dear Ms. Salas:

Enclosed for filing is an original and four (4) copies of WorldCom, Inc's Comments in the above-captioned proceeding.

In addition, please stamp the enclosed file copy and return to bearer.

Sincerely,



Elizabeth Yockus  
(202) 887-3087

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED  
AUG 14 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
Public Employees for Environmental ) RM-9913  
Responsibility (PEER) Request for Amendment )  
of the Commission's Rules Concerning the )  
Telecommunications Industry's Environmental )  
Civil Violations in U.S. Territorial Waters )  
)  
FCC Accountability and Responsibility for )  
Environmental Transgressions and Petition for )  
Rulemaking Regarding the NEPA and NHPA )

**WorldCom, Inc. Comments**

**I. Introduction and Background**

The petition from Public Employees for Environmental Responsibility (PEER) requests that the Commission rewrite the environmental rules to “fully articulate the varying levels of environmental protection required by the general pattern of federal environmental law.”<sup>1</sup> They specifically ask the FCC to determine whether the Commission’s environmental rules are being lawfully applied in the case of: (a) submarine cable laying within the territorial waters of the United States; (b) submarine cable landing licenses for the locations under Commission jurisdiction; (c) extensions of fiber optic cables within the United States and (d) licenses for the use of all public spectrum requiring the use of communications towers.<sup>2</sup> Additionally, PEER

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<sup>1</sup>Request Amendment of the Commission’s Rules concerning the Telecommunications Industry’s Environmental Civil Violations in U.S. Territorial Waters (South Florida and the Virgin Islands and along the Coastal Wetlands of Maine; FCC Accountability and Responsibility for Environmental Transgressions, and Petition for Rulemaking Regarding the NEPA and NHPA. Public Notice (released July 14, 2000) .

<sup>2</sup>Id at 2.

also requests that the Commission determine whether the FCC is in need of an “Office of Environmental Compliance.” PEER offers no suggestions for revised rules. Nor does PEER clearly explain how the Commission’s rules are not compliant with the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act of 1966 (NHPA).

## **II. Application of Current FCC Rules**

Under 47 C.F.R. §1.1307 (a), the current FCC regulations require an Environmental Assessment (EA) by the applicant and may require further environmental processing when: (1) Facilities are to be located in an officially designated wilderness area; (2) Facilities are to be located in an officially designated wildlife preserve; (3) Facilities may affect listed threatened or endangered species or designated critical habitats; (4) Facilities may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed; (5) Facilities may effect Indian religious sites; (6) Facilities to be located in a flood plain; (7) Facilities whose construction will involve significant change in surface features; or (8) Antenna towers and/or supporting structures are to be equipped with high intensity white lights which are to be located in a residential neighborhood. The regulation which governs the determination of the findings on the EA is 47 C.F.R. § 1.1308. This regulation requires the bureau or Commission, based on an “independent review” of the EA to make a determination regarding the environmental impact of the proposed action. If the Commission determines that environmental harm will come from the action, then the applicant will have the opportunity to revise their application to reduce the environmental harm. These rules require the filing of an EA and an independent evaluation of the EA by the FCC when the environment is at risk.

PEER admits that “the Commission’s rules have been drafted to meet the needs of NEPA.”<sup>3</sup> In their opinion it is merely the implementation of the rules “that has fallen fallow.”<sup>4</sup> Further, the core of the implementation concerns appear attributable to a particular carrier.<sup>5</sup> The Commission should utilize administrative processes other than a rulemaking to resolve concerns attributable to a single member of a regulated class. The rulemaking requested by PEER is much more broad than necessary to resolve the concerns it raises. As such, WorldCom respectfully requests that the Commission deny PEER’s petition for rulemaking.

Respectfully submitted,



Elizabeth A. Yockus  
Mary L. Brown

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<sup>3</sup>Id at 9.

<sup>4</sup>Id at 9.

<sup>5</sup>See Government of the Virgin Islands of the United States, Department of Planning and Natural Resources, Notice of Violation; Order for Remedial Action and Notice of Opportunity for Hearing (Dec. 30, 1998) (regulatory action against common carrier for bentonite contamination of the coral reefs while acting under a Cable Landing License from the FCC)(Cited in PEER Petition at n.2); State of Maine, Department of Environmental Protection, Administrative Consent Agreement In the Matter of AT&T Communications of New England, Inc., et al., (July 22, 1997) (regulatory action against common carrier for the destruction adjoining a 100-mile long fiber optic project laid pursuant to Section 214 authority issued by the FCC) (Cited in PEER Petition at n.2); Also see Public Notice, Fiber Optic Signal Regeneration Facility Near Burkittsville (Dec. 30, 1999) (Cited in PEER Petition at 3).

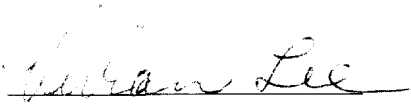
**CERTIFICATE OF SERVICE**

I, Vivian Lee, do hereby certify that copies of the foregoing Comments of WorldCom, Inc. were sent via first class mail, postage paid, to the following on the 14th day of August 2000.

International Transcription Services\*  
1231 20th Street, N.W.  
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Public Employees for Environmental  
Responsibility (PEER)  
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\*HAND DELIVERED

  
Vivian Lee